

## **Remarks**

Claims 1 – 6, and 8 – 13 are presently rejected. Claims 1, 2, 5, 6, and 12 have been amended; claims 14 and 15 have been added; and claims 16 and 17 have been withdrawn. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

### **Election/Restriction Requirement**

The claims presently stand under a restriction requirement, and the examiner has found applicants to have constructively elected claims directed to Class 463, Subclass 30. Applicants respectfully traverse the restriction requirement. Claims 1 and 12 as previously presented have been amended so as to clearly fall within the elected subject matter. In an abundance of caution, claims 16 and 17 are listed as “withdrawn.” However, claims 16 and 17 have been drafted in an attempt to also put claims 16 and 17 into the elected subject matter.

Claims 16 and 17 are not drawn to subject matter classified in Class 463, Subclass 24, but in fact are drawn to the elected subject matter of Subclass 30. Subclass 30 involves gaming machines wherein information is presented to a user in a manner so as to be recognized in the mind of the user, e.g., perceivable light colors to impart information such as game in its idle state.

The claims constructively elected were drawn to a gaming machine having a chamber-defining portion, a panel, a light-diffusing element, an illuminating arrangement (the arrangement defined in elected claim 12 as having “repeating sequence of groups ... to emit light of different colors,” and a controller (the controller appearing in claim 2 to provide a control means for supplying electrical power, in claim 13 “to independently control the semiconductor illuminating elements within the groups” and in claim 9 as “control means for controlling operation of the illuminating arrangement”). The limitations appearing in withdrawn claims 16 and 17 further define that the illuminating elements are illuminated such that the panel changes from a first color to a second color when the gaming machine is not played, i.e., the gaming

machine is in its idle mode. Thus, the change in color conveys information of an attract mode to players that the gaming machine is available. This is the definition of Subclass 30, and thus claims 16 and 17, as now amended, are drawn to the elected subject matter of Subclass 30, and not Subclass 24. Subclass 24 involves gaming machines wherein the game being played may be suspended in the middle of the game, and then resumed later at the point of prior stoppage.

### 35 U.S.C. §103 Rejections

Claims 1 – 6, and 8 – 11 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,656,041 (“Kaminkow”) and in view of U.S. Publication No. 2004/0209672 (“Okada”).

Amended independent claim 1 is directed to a gaming machine that includes a controller that is “operable to control operation of said first group of said semiconductor illuminating elements to emit light of a first color and to control operation of said second group of said semiconductor illuminating elements to emit light of a second color different from said first color,” among other things.

Neither Kaminkow nor Okada teaches or suggests the claimed controller as recited in claim 1.

Kaminkow discloses a controller that enables an illumination device 68 to flash. Particularly, Kaminkow discloses that

[the] illumination supports or sockets 96 support the illumination device 68 connected to the controller or computer, which enable the device 68 to flash in a regular or irregular pattern (emulating lightening during a storm) as determined by the controller. In the illustrated embodiment, the illumination device 68 is a plurality of light bulbs 98 connected to a power source (not shown). While light bulbs 98 are illustrated, any suitable light source including light emitting diodes “LEDs”, light beams, fluorescent tubes, electro-luminescence or fiber optic cable are contemplated. It is also contemplated that the illumination device 68 could all be of one color or various colors.

(Col. 4, line 58 – col. 5, line 2.) Although Kaminkow appears to mention the illuminating device 68 possibly having various colors, Kaminkow does not disclose groups of illuminating devices, let alone controlling any specific groups of the illuminating devices 68 to emit specific and different colors.

Okada does not cure the deficiencies of Kaminkow with respect to the claimed controller. Rather, Okada discloses a gaming machine that includes two displays – a “variable display means” and a “front display means.”

Okada fails to disclose a controller that is “operable to control operation of said first group of said semiconductor illuminating elements to emit light of a first color and to control operation of said second group of said semiconductor illuminating elements to emit light of a second color different from said first color,” as recited in claim 1.

Therefore, Kaminkow and Okada, in combination, do not teach or suggest claim 1. It is respectfully submitted that claim 1 would not have been obvious in view of the cited references.

Dependent claims 2 – 6, and 8 – 11 are accordingly allowable for at least the reasons set forth above as to claim 1.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kaminkow and in view of U.S. Patent 4,714,983 (“Lang”).

Amended independent claim 12 is directed to a gaming machine that includes a controller that is “operable to control operation of a first group of said semiconductor illuminating elements to emit light of a first color and to control operation of a second group of said semiconductor illuminating elements to emit light of a second color different from said first color,” among other things.

Neither Kaminkow nor Lang teaches or suggests the claimed controller as recited in claim 12.

As discussed above with respect to claim 1, Kaminkow teaches a controller that enables an illumination device 68 to flash, and does not disclose groups of illuminating devices, let alone controlling any specific groups of the illuminating devices 68 to emit specific and different colors.

Lang does not cure the deficiencies of Kaminkow in that Lang does not disclose any controllers, not to mention a controller that is “operable to control operation of a first group of said semiconductor illuminating elements to emit light of a first color and to control operation of a second group of said semiconductor illuminating elements to emit light of a second color different from said first color,” as recited in claim 12.

Therefore, neither Kaminkow nor Lang, either alone or in combination, teaches or suggests all elements of claim 12.

Accordingly, claim 12 is allowable in view of the cited references.

Dependent claim 13 is also allowable for at least the reasons set forth above as to claim 12.

#### Newly Added Withdrawn Claims

Claims 16 and 17 are newly added and presently withdrawn as described.

Applicants respectfully submit, however, that claims 16 and 17 should be examined, and that claims 16 and 17 are patentable in view of Kaminkow and Okada, or Lang.

Claim 16 is directed to a gaming machine that includes, among other things, “a controller arranged to illuminate the semiconductor illuminating elements in a sequence of illumination when the gaming machine is in an idle state, said sequence of illumination sequentially changing said panel from a first color to a second color.”

Kaminkow does not teach or suggest “a controller arranged to illuminate the semiconductor illuminating elements in a sequence of illumination when the gaming machine is

in an idle state, said sequence of illumination sequentially changing said panel from a first color to a second color,” as recited in claim 16. As described, Kaminkow discloses a controller that enables an illumination device 68 to flash, and does not disclose groups of illuminating devices, let alone controlling any specific groups of the illuminating devices 68 to emit specific and different colors.

Okada does not cure the deficiencies of Kaminkow in that Okada does not disclose any controller that is “arranged to illuminate the semiconductor illuminating elements in a sequence of illumination when the gaming machine is in an idle state, said sequence of illumination sequentially changing said panel from a first color to a second color,” as recited in claim 16.

Therefore, claim 16 is allowable for at least the reasons set forth above.

Applicants respectfully submit that claim 17 is patentable in view of Kaminkow and Lang.

Claim 17 is directed to a gaming machine that includes, among other things, “a controller arranged to illuminate the semiconductor illuminating elements in a sequence of illumination when the gaming machine is in an idle state, said sequence of illumination sequentially changing said panel from a first color to a second color.”

As discussed above, Kaminkow discloses a controller that enables an illumination device 68 to flash, and does not disclose groups of illuminating devices, let alone controlling any specific groups of the illuminating devices 68 to emit specific and different colors.

Accordingly, Kaminkow does not teach or suggest the claimed controller as recited in claim 17.

Lang does not cure the deficiencies of Kaminkow at least in that Lang does not disclose any controller, not to mention a controller that is “arranged to illuminate the semiconductor illuminating elements in a sequence of illumination when the gaming machine is in an idle state, said sequence of illumination sequentially changing said panel from a first color to a second color,” as recited in claim 17.

**Newly Added Dependent Claims**

Dependent claims 14 and 15 are newly added and depend from claims 1 and 4, respectively.

Claims 14 and 15 should be allowable for the same reasons given above.

Claim 14 depends from claim 1, whereas claim 15 depends from claim 4.

No new matter has been added.

**Conclusion**

Applicant respectfully submits that all of claims 1 – 6, and 8 – 17 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

Dated: September 2, 2009

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